

**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application:

**Listing of the Claims**

Claims 1-10 (canceled)

11. (New) An MIM capacitor of a semiconductor device comprising:
  - a substrate;
  - a lower metal layer disposed on the substrate;
  - a sacrificial layer disposed on the substrate and patterned to reveal an area of the lower metal layer;
  - an upper metal layer disposed on the lower metal layer, the substrate surface, and the sacrificial layer; and
  - a dielectric layer disposed on the upper metal layer.
12. (New) The MIM capacitor as defined in claim 11, further comprising:
  - an interlayer dielectric disposed on the dielectric layer;
  - a via hole through the interlayer dielectric disposed on the dielectric layer;
  - a barrier metal layer disposed in the via hole;
  - a plug metal disposed on the barrier layer; and
  - an uppermost metal layer disposed over the via hole.
13. (New) The MIM capacitor as defined by claim 12, wherein the metal is selected from the group of tungsten, copper family metals, and platinum family metals.

14. (New) The MIM capacitor as defined by claim 12, wherein the barrier metal layer is made of a high fusion point metal or nitride thereof, and wherein the barrier metal layer is configured to have one of a single layer structure or a multi-layer structure.

15. (New) The MIM capacitor as defined by claim 11, wherein the sacrificial layer is used as an etch stopping layer.

16. (New) The MIM capacitor as defined by claim 11, wherein the sacrificial layer is silicon oxide or silicon nitride.

17. (New) The MIM capacitor as defined by claim 11, wherein the sacrificial layer has a thickness of 100~200Å.

18. (New) The MIM capacitor as defined by claim 11, wherein the dielectric layer is made of a material selected from the group of SiN, SiO<sub>2</sub>, Al<sub>2</sub>O<sub>3</sub>, TaON, TiO<sub>2</sub>, Ta<sub>2</sub>O<sub>5</sub>, ZrO<sub>5</sub>, (Ba,Sr)TiO<sub>3</sub>, (Pb,Zr)TiO<sub>3</sub>, and (Pb,La)(Zr,Ti)O<sub>3</sub>, and wherein the dielectric layer is configured to have one of a single layer structure or a multi-layer structure.

19. (New) The MIM capacitor as defined by claim 11, wherein the dielectric layer has a thickness of 200~1000Å.

20. (New) The MIM capacitor as defined by claim 11, wherein the upper and the lower metal layers of the MIM capacitor are made of at least one of aluminum and a transition element.